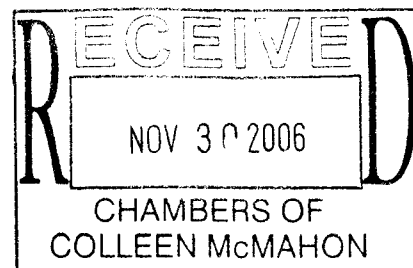


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November 30, 2006

**VIA FACSIMILE ONLY**

(914) 390-4152

Hon. Colleen McMahon  
United States District Judge  
United States Courthouse  
300 Quarropas Street, Room 533  
White Plains, NY 10601

11/30/06  
OK - all good  
[Signature]

**RECEIVED**Re: *Shaw Family Archives, Ltd., et al. v. CMG Worldwide, Inc., Et al.*  
Docket No.: 05 CV ~~2929~~ (CM)  
3939

Dear Judge McMahon:

As are aware, this firm represents Bradford Licensing, Inc. ("Bradford") and Shaw Family Archives, Ltd. ("SFA") in the above matter. The date for Bradford and SFA to have filed and served its opposition to Marilyn Monroe, LLC's Motion for Summary Judgment and their Cross-Motion was November 29, 2006. For the reasons set forth below, we respectfully request that this Court accept as timely SFA and Bradford's Cross-Motion and annexed documents.

Yesterday, while attempting to scan Bradford and SFA's Cross-Motion, Statement of Facts, Memorandum of Law and other supporting documents, the scanner in our office malfunctioned. We immediately sought an alternate method of scanning the documents and were told by employees at two different Kinkos locations that due to a backlog of work, the documents could not be scanned before midnight.

My partner, Brian Greben, called a Kinkos location in Great Neck, Long Island, where he lives, and was informed that he would be able to timely scan these documents for electronic filing. However, when he arrived at that Kinkos location at 9pm, he was told that the documents could not be scanned on before midnight. My partner had no alternative but to use the scanner he has at home. Though not a single sheet scanner, his

Hon. Judge Colleen McMahon


November 30, 2006

-2-

scanner could only accommodate 20 pages at a time and is slow. Accordingly, we were not able to scan these documents and electronically file same until after midnight. All documents were electronically filed before 6:00 am this morning and hard copies of the Cross-Motion and documents have already been mailed. The within request will cause no prejudice to the opposing parties as they were served with all papers electronically prior to the start of business day today. Additionally, hard copies of all documents have already been mailed.

Further, I noticed a typographical error on the Notice of Motion page. The Notice of Motion page referred to our clients' "Motion" instead of a "Cross-Motion." Annexed hereto, please find a replacement page for the first page of the Cross-Motion. Copies of this letter are being simultaneously faxed to the attorneys for opposing counsel.

Very truly yours,



David M. Marcus

cc: Orin Snyder, Esq. (via facsimile at (212) 351-6355)  
Jonathan Garland Pollack, Esq. (via facsimile at (317) 713-3699)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
SHAW FAMILY ARCHIVES, LTD., BRADFORD  
LICENSING, INC., JAMES E. DOUGHERTY,  
and VALHALLA PRODUCTIONS, LLC.

05 CV 3939 (CM)

Plaintiffs/Consolidated Defendants,

**Honorable Colleen  
McMahon**

-against-

CMG WORLDWIDE, INC.,  
and MARILYN MONROE, LLC,,

Defendants/Consolidated Plaintiffs.  
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**NOTICE OF CROSS-MOTION FOR SUMMARY JUDGMENT**

PLEASE TAKE NOTICE that, upon the Memorandum of Law in Support of the Cross-Motion for Summary Judgment, Combined Rule 56.1 Statement of Facts and Counter-Statement of Facts, the Declaration of David Marcus, the Declaration of Larry Shaw, the Declaration of Edith Marcus, the Declaration of Meta Stevens and the Declaration of Len Reiter, Shaw Family Archives, Ltd ("SFA") and Bradford Licensing Inc. ("Bradford") will move this Court, in the Courtroom of the Honorable Colleen McMahon, United States District Judge, United State Courthouse, 300 Quarropas Street, Room 533, White Plains, New York, 10601, at a time to be determined by the Court, for an Order pursuant to Rule 56 of the Federal Rules of Civil Procedure, for summary judgment against CMG Worlwide, Inc. ("CMG") and Marilyn Monroe, LLC ("MMLLC"), dismissing Count II of defendants' complaint.